

App. No. 10/716,802
Amdt. Dated November 21, 2005
Reply to Office Action of September 21, 2005
Atty. Dkt. No. 8591-111

REMARKS / ARGUMENTS

This reply is responsive to an Office Action dated September 21, 2005. Reconsideration and allowance of the application and presently pending claims 19-35 and 37 are respectfully requested.

Present Status of the Patent Application

Claims 19-35 and 37 remain pending in the present application. Claims 19-35 and 37 have been rejected. Claims 19, 24, 29, 34, 35, and 37 have been amended.

The Examiner stated in the Office Action dated March 30, 2005, that previously indicated allowable subject matter was then unallowable due to among other things that the claims "seem very broad." Applicant respectfully submits that sufficient modifications have been made to the claims to narrow them appropriately.

Response to Claim Rejections Under 35 U.S.C. §103

Claims 19-36 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Beckert et al. (U.S. Patent No. 6,796,497 in view of Nakatsuyama (U.S. Patent Application No 2002/0143550). Applicant respectfully traverses this rejection.

The Benkert patent discloses a credit limit card system, but does not disclose the use of transmitters. The Nakatsuyama patent discloses shopping using an Internet-enabled device, such as a personal computer, a PDA, or a cell phone.

Independent Claim 19

Independent Claim 19, as amended, is allowable for at least the reason that Beckert and Nakatsuyama do not disclose, teach, or suggest "providing a transmitter to

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each member of a group for providing group member personal identification information to the member locating system as the members move about the confined area for tracking the location of the members and for facilitating cashless spending throughout the confined area, wherein members of the group may be located using one of the location stations."

In this regard, neither Beckert nor Nakatsuyama discloses a member locating system using location stations distributed throughout the confined area. In fact Beckert and Nakasuyama do not teach or suggest any sort of location system or location stations, and that both systems are not restricted to a confined area. Therefore, Berkert and Nakatsuyama do not disclose "providing a transmitter to each member of a group for providing group member personal identification information to the member locating system as the members move about the confined area for tracking the location of the members and for facilitating cashless spending throughout the confined area, wherein members of the group may be located using one of the location stations."

In short, the cited prior art references do not teach or suggest a transmitter for each group member that performs two functions. Firstly, the transmitter provides group member identification for the location system to help locate group members. Secondly, the transmitter also facilitates cashless spending throughout the confined area.

Independent Claim 19, as amended, is allowable for at least another reason that Beckert and Nakatsuyama do not disclose, teach, or suggest "receiving transaction information from at least one of a group of cashless stations distributed throughout the confined area."

In this regard, neither Beckert nor Nakatsuyama discloses transactions at cashless stations distributed throughout a confined area. In fact Beckert and Nakasuyama do not teach or suggest any sort of confined area for their cashless

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stations, and that both systems are not restricted to a confined area. Therefore, Berkert and Nakatsuyama do not disclose "receiving transaction information from at least one of a group of cashless stations distributed throughout the confined area."

Independent Claim 19, as amended, is allowable for yet at least another reason that Beckert and Nakatsuyama do not disclose, teach, or suggest "scanning the transmitter of one of the group members at the cashless station to receive group member personal identification information from the transmitter located near the cashless station to complete the transaction being made by the group member at the cashless station."

In this regard, the Office Action acknowledges that Beckert does not disclose the utilization of transmitters. Regarding Nakatsuyama, the Office Action states that the "local cell phone towers (or transmission units if they are not on towers) act as cashless stations which receive personal and transactional information facilitating a transaction." While cell phone towers may receive information, they would not be physically located or have the facilities to scan a transmitter on a person. Cell phone towers transmit and receive radio frequency (RF) signals. While the effect on humans of the exposure of radio frequency waves from cell phone towers may be inconclusive, several agencies, such as the National Council of Radiation Protection and Measurement, the International Radiation Protection Association, the Institute of Electrical and Electronics Engineers, and the American National Standards Institute, have established guidelines for exposure to RF radiation originating from cell phone towers to protect workers, as well as the public, from the potentially harmful RF radiation. Since the transmitter could not (no scanning ability) or would not (avoid exposure to RF radiation) be scanned at a cell phone tower, the cell phone towers in Nakatsuyama could not function as cashless stations for "scanning the transmitter" or with "the transmitter located near the cashless station." Therefore, Berkert and Nakatsuyama do not disclose "scanning the transmitter

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of one of the group members at the cashless station to receive group member personal identification information from the transmitter located near the cashless station to complete the transaction being made by the group member at the cashless station."

Therefore, neither Berkert, nor Nakatsuyama, teach or suggest completing a transaction by scanning a transmitter near the cashless station by a group member at the cashless station.

Accordingly, the rejection is deficient in these areas. Notwithstanding, the undersigned has reviewed the entirety of the Berkert and Nakatsuyama patents and has failed to identify any such teachings anywhere within these references. Accordingly, the Berkert and Nakatsuyama patents fail to teach or disclose the invention as defined by claim 19, and the rejection of claim 19 should be withdrawn.

Independent Claim 24

Independent claim 24, as amended, is allowable for at least the reason that Berkert and Nakatsuyama do not disclose, teach, or suggest "a transmitter for each member of a group for providing group member personal identification information to the member locating system as the members move about the confined area for tracking the location of the members and for facilitating cashless spending throughout the confined area, wherein members of the group may be located using one of the location stations;" "means for receiving transaction information from at least one of a group of cashless stations distributed throughout the confined area;" and "means for scanning the transmitter of one of the group members at the cashless station to receive group member personal identification information from the transmitter located near the cashless station to complete the transaction being made by the group member at the cashless station" as described above regarding claim 19. Accordingly, the Berkert and

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Nakatsuyama patents fail to teach or disclose the invention as defined by claim 24, and the rejection of claim 24 should be withdrawn.

Independent Claim 29

Independent claim 29, as amended, is allowable for at least the reason that Berkert and Nakatsuyama do not disclose, teach, or suggest "a module for assigning a transmitter to each member of a group for providing group member personal identification information to the member locating system as the members move about the confined area for tracking the location of the members and for facilitating cashless spending throughout the confined area, wherein members of the group may be located using one of the location stations;" "a module for receiving transaction information from at least one of a group of cashless stations distributed throughout the confined area;" and "a module for scanning the transmitter of one of the group members at the cashless station to receive group member personal identification information from the transmitter located near the cashless station to complete the transaction being made by the group member at the cashless station" as described above regarding claim 19. Accordingly, the Berkert and Nakatsuyama patents fail to teach or disclose the invention as defined by claim 29, and the rejection of claim 29 should be withdrawn.

Independent Claim 34

Independent claim 34, as amended, is allowable for at least the reason that Berkert and Nakatsuyama do not disclose, teach, or suggest "scanning the transmitter at the cashless station" as described above regarding claim 19. Accordingly, the Berkert and Nakatsuyama patents fail to teach or disclose the invention as defined by claim 34, and the rejection of claim 34 should be withdrawn.

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Independent Claim 35

Independent claim 35, as amended, is allowable for at least the reason that Berkert and Nakatsuyama do not disclose, teach, or suggest "a module for scanning the transmitter at the cashless station" as described above regarding claim 19. Accordingly, the Berkert and Nakatsuyama patents fail to teach or disclose the invention as defined by claim 35, and the rejection of claim 35 should be withdrawn.

Independent Claim 37

Independent claim 37, as amended, is allowable for at least the reason that Berkert and Nakatsuyama do not disclose, teach, or suggest "means for scanning the transmitter at the cashless station" as described above regarding claim 19. Accordingly, the Berkert and Nakatsuyama patents fail to teach or disclose the invention as defined by claim 37, and the rejection of claim 37 should be withdrawn.

Dependent Claims

Dependent claims 20-23, 25-28, and 30-33 are believed to be allowable for at least the reason that these claims depend from allowable independent claims 19, 24, and 29, respectively. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

CONCLUSION

The other cited art of record has been reviewed, and it is believed that the claims, as amended, patentably distinguish thereof.

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and rejections have been traversed, rendered moot, and/or accommodated, and that now pending claims 19-35 and 37 are

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in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned at 619-231-3666.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

By Bernard L. Kleinke

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